

Assembly Bill No. 762

CHAPTER 222

An act to amend Section 118275 of the Health and Safety Code, relating to public health.

[Approved by Governor September 6, 2011. Filed with
Secretary of State September 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 762, Smyth. Public health: medical waste.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, administration of the Medical Waste Management Act relating to the regulation of medical waste, including, but not limited to, provisions related to the treatment, containment, and storage of medical waste.

The act authorizes the consolidation into a common container specified medical waste, biohazardous waste, and sharps waste, if the consolidated waste is treated by an approved extremely high heat technology, as specified. The act requires the container to be labeled with the biohazardous waste symbol and the words "HIGH HEAT ONLY" or other label approved by the department.

This bill would authorize the reuse of a common container for specified wastes and would require the consolidated waste to be treated by either incineration at a permitted medical waste treatment facility or with an alternative technology, as specified. This bill would, in relation to the label requirement, authorize the use of the word "INCINERATION" in addition to the words "HIGH HEAT ONLY" or other label approved by the department.

The people of the State of California do enact as follows:

SECTION 1. Section 118275 of the Health and Safety Code is amended to read:

118275. To containerize or store medical waste, a person shall do all of the following:

(a) Medical waste shall be contained separately from other waste at the point of origin in the producing facility. Sharps containers may be placed in biohazard bags or in containers with biohazard bags.

(b) Biohazardous waste, except biohazardous waste as defined in subdivision (g) of Section 117635, shall be placed in a red biohazard bag

conspicuously labeled with the words “Biohazardous Waste” or with the international biohazard symbol and the word “BIOHAZARD.”

(c) Sharps waste shall be contained in a sharps container pursuant to Section 118285.

(d) (1) Biohazardous waste, which meets the conditions of subdivision (f) of Section 117635 because it is contaminated through contact with, or having previously contained, chemotherapeutic agents, shall be segregated for storage, and, when placed in a secondary container, that container shall be labeled with the words “Chemotherapy Waste,” “CHEMO,” or other label approved by the department on the lid and on the sides, so as to be visible from any lateral direction, to ensure treatment of the biohazardous waste pursuant to Section 118222.

(2) Biohazardous waste, which meets the conditions of subdivision (f) of Section 117635 because it is comprised of human surgery specimens or tissues which have been fixed in formaldehyde or other fixatives, shall be segregated for storage and, when placed in a secondary container, that container shall be labeled with the words “Pathology Waste,” “PATH,” or other label approved by the department on the lid and on the sides, so as to be visible from any lateral direction, to ensure treatment of the biohazardous waste pursuant to Section 118222.

(e) Sharps waste, which meets the conditions of subdivision (f) of Section 117635, shall be placed in sharps containers labeled in accordance with the industry standard with the words “Chemotherapy Waste,” “CHEMO,” or other label approved by the department, and segregated to ensure treatment of the sharps waste pursuant to Section 118222.

(f) Biohazardous waste, which are recognizable human anatomical parts, as specified in Section 118220, shall be segregated for storage and, when placed in a secondary container for treatment as pathology waste, that container shall be labeled with the words “Pathology Waste,” “PATH,” or other label approved by the department on the lid and on the sides, so as to be visible from any lateral direction, to ensure treatment of the biohazardous waste pursuant to Section 118222.

(g) Biohazardous waste, which meets the conditions specified in subdivision (g) of Section 117635, shall be segregated for storage and, when placed in a container or secondary container, that container shall be labeled with the words “INCINERATION ONLY” or other label approved by the department on the lid and on the sides, so as to be visible from any lateral direction, to ensure treatment of the biohazardous waste pursuant to Section 118222.

(h) A person may consolidate into a common container, which may be reusable, sharps waste, as defined in Section 117755, and pharmaceutical wastes, as defined in Section 117747, provided that the consolidated waste is treated pursuant to paragraph (1) of subdivision (a) of Section 118215 and the container meets the requirements of Section 118285. The container shall be labeled with the biohazardous waste symbol and the words “HIGH HEAT ONLY,” “INCINERATION,” or other label approved by the department on the lid and on the sides, so as to be visible from any lateral

direction, to ensure treatment of the biohazardous waste pursuant to this subdivision.

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